

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

ANTHONY BUTLER,

Plaintiff,

v.

GONZALEZ-MORAN,

Defendant.

Case No. 1:21-cv-01524-AWI-BAM (PC)

**ORDER DISMISSING ACTION WITHOUT  
PREJUDICE FOR FAILURE TO PAY FILING  
FEE AND FAILURE TO OBEY COURT  
ORDER**

(ECF No. 10)

Plaintiff Anthony Butler (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On October 20, 2021, the assigned Magistrate Judge issued findings and recommendations recommending that Plaintiff’s application to proceed *in forma pauperis* be denied and that he be required to pay the \$402.00 filing fee in full to proceed with this action. (ECF No. 8.) Those findings and recommendations were served on Plaintiff on November 22, 2021. No objections were filed.

On January 3, 2022, the undersigned issued an order adopting the findings and recommendations in full and ordering Plaintiff to pay the \$402.00 filing fee in full within twenty-one (21) days to proceed with this action. (ECF No. 10.) Plaintiff was warned that if he failed to pay the filing fee within the specified time, the action would be dismissed without further notice. (*Id.* at 2.)

The deadline to pay the filing fee has expired, and Plaintiff has failed to pay the filing fee

1 or otherwise indicate his willingness to comply with the Court's order. Because Plaintiff has  
2 failed to obey the Court's order and pay the appropriate filing fee, this case cannot proceed. This  
3 matter will be dismissed. See Ferdik v. Bonzelet, 963 F.2d 1258, 1260–61 (9th Cir. 1992).

4 Accordingly, IT IS HEREBY ORDERED as follows:

- 5 1. This action is dismissed, without prejudice, for Plaintiff's failure to comply with the  
6 Court's order of January 3, 2022, (ECF No. 10), and his failure to pay the filing fee; and
- 7 2. The Clerk of the Court is directed to close this action.

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9 IT IS SO ORDERED.

10 Dated: February 28, 2022

  
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11 SENIOR DISTRICT JUDGE  
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